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Section 16

Dkt. 51917-B/JPW/JML

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : David J. Pinsky et al.
Serial No. : 09/053,871
Filing Date : April 1, 1998 Art Unit: 1642
For : METHODS FOR TREATING AN ISCHEMIC DISORDER AND IMPROVING STROKE OUTCOME

1185 Avenue of the Americas
New York, New York 10036
July 28, 1998

Assistant Commissioner for Patents
Washington, D.C. 20231
ATTN: Box Missing Parts
Sir:

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COMMUNICATION IN RESPONSE TO APRIL 21, 1998 NOTICE
TO FILE MISSING PARTS OF APPLICATION UNDER 37 C.F.R. §1.53(d)
AND PETITION FOR A TWO-MONTH EXTENSION OF TIME

This Communication is submitted in response to a Notice to File Missing Parts of Application under 37 C.F.R. §1.53(d) issued in connection with the above-identified patent application on April 21, 1998. A response to the April 21, 1998 Notice was originally due June 21, 1998. Applicants hereby request a two-month extension of time. The fee for a two-month extension of time is \$200.00 (TWO HUNDRED DOLLARS) for a small entity. A check including this amount is enclosed. Therefore, a response is now due August 21, 1998. Accordingly, this Communication is being timely filed.

Applicants attach hereto a copy of the Notice as **Exhibit A**. Applicants hereby submit an executed Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(d) and in compliance with 37 C.F.R. §1.63 (**Exhibit B** hereto). The Declaration refers to the application's above-identified serial number and filing date.

Applicants submit herewith a copy of the Verified Statement (Declaration) Claiming Small Entity Status under 37 C.F.R. §1.9(f) and §1.27(d) which was filed on September 27, 1996 with parent application U.S. Serial No. 08/721,447 as **Exhibit C**. This

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Verified Statement was signed by the authorized official of the entity to whom the applicant has assigned the rights in the subject application, The Trustees of Columbia University in the City of New York, a nonprofit organization.

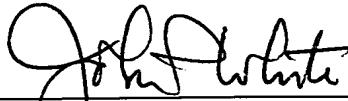
The April 21, 1998 Notice stated that the statutory basic filing fee was missing. Applicants maintain that a check for \$1834.00 was enclosed with the application as filed on April 1, 1998 and enclose herewith a copy of the check as **Exhibit D**. Applicants submit that the claims fees were correctly calculated and paid at the time of filing. Applicants further attach a copy of the Transmittal Letter as filed with the application on April 1, 1998 as **Exhibit E**. The transmittal letter shows that the following fees were calculated: a \$790.00 Basic Filing Fee; a \$528.00 fee for 24 claims in excess of 20; a \$246.00 fee for 3 independent claims in excess of 3; and a \$270.00 fee for multiple dependent claims. Applicants point out that the Initial Patent Examination Division erred in counting the total number of claims. The total number of claims pending is 44, not 46 as indicated on the Notice. Thus, applicants maintain that this Communication properly responds to the April 21, 1998 Notice.

The surcharge for responding to the Notice to File Missing Parts of Application under 37 C.F.R. §1.53(d) is SIXTY-FIVE DOLLARS (\$65.00) for a small entity. A check including this amount (\$65.00) is enclosed.

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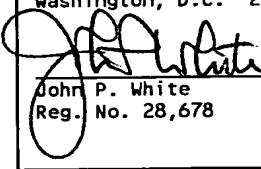
No fee other than the \$65.00 surcharge and the \$200.00 extension of time fee is deemed necessary in connection with the filing of this communication. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Assistant Commissioner for Patents
Washington, D.C. 20231

 John P. White
Reg. No. 28,678

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Date

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